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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: R. Fuerst et al

Examiner: **MATHIEU D. VARGOT**
:Group 1732
:Phone (571) 272 1211
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:**Date 10/18/07**

Serial Number: **10/735,451**
Filed: 12/12/03

Re: The Application For:

FABRICATION OF IMPROVED CONTACT LENS UTILIZING POLYMER ELECTROSPINNING

SUPPLEMENT TO FIRST AMENDMENT WITH CORRECTION OF STATUS IDENTIFIER OF CLAIM 1 TO FIRST AMENDMENT AND REPLY THAT WAS MAILED TO PTO ON 08/16/07

Mail Stop: NON-FEE AMENDMENT
Hon. Commissioner of Patents and Trademarks
PO BOX 1450
ALEXANDRIA, VA 22313-1450

Dear Sir:

This is a resubmission of the Amendment And Reply mailed to the USPTO on 08/16/07 with the required correction of the status identifier of Claim 1. The change and resubmission is made in response to a "Notice of Non-Compliant Amendment" signed by LIE Annie C. Singleton at (571) 272 1049 mailed on 08/28/07. The change made is a correction of the status identifier of Claim 1 from "(As Amended)" to --- (Currently amended) --- . This resubmission is signed on this date.

A Declaration of Dr. Gary Wnek is now included with this SUPPLEMENT TO FIRST AMENDMENT. Dr. Wnek is a co-inventor in Simpson et al, US patent Publication 2002/0090725, art cited by the Examiner, and was the team research

leader at Virginia Commonwealth University when the Simpson et al work was performed. Dr. Wnek is an expert in polymer research and electrospinning. Dr. Wnek's declaration clarifies the following points for the Examiner about the Simpson reference.

1. Simpson et al developed electrospinning of collagen and other polymers for the purpose of encouraging neo-vascularization and cellular ingrowth for the purpose of creating a cellular scaffold, conditions detrimental to an optically clear material as disclosed in the present application.

2. The electrospinning of Simpson et al was larger than 100 nanometers, the goal of which was NOT optical transparency.

3. The electrospinning of Simpson et al did not require precise control over fibril diameter, as disclosed in the present subject invention using Alternating Current or AC.

4. Ultraviolet light and/or radiation was employed in Simpson et al for the purpose of polymer cross linking and/or sterilization, not to neutralize electrical charge.

5. Reference to use of a plasma to produce ions to neutralize a charge on an electrospun fiber produces high temperatures which could denature collagen and other polymers, and yields ozone which ma further destabilize collagen.

6. A microprocessor was employed in Simpson et al to direct the angle, distance, and voltage of the tip of the needle with respect to the target, yielding a fixed voltage once activated. The microprocessor was not used to an AC rather than a DC potential.

7. The goal of Simpson et al was not to produce optically clear material as is disclosed by the subject invention.

The points raised by the Examiner in the OFFICE COMMUNICATION of 04/17/07 are addressed in the REMARKS section below. The Examiner should be aware of the fact that there is a co-pending application having serial number 10/414,796 filed on 04/16/03. The Examiner that was previously responsible for the case, Billy D. Chism has been replaced by Examiner Ronald P. Niebauer. A response to an office action relating to that case is being made ready for mailing

concurrent with this correspondence. The Declaration of Dr. Gary Wnek will also be submitted with that response.

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